

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

UNITED STATES OF AMERICA,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Cr. No. C-08-3 (2)
	§	
GUADALUPE MENDEZ, JR.,	§	
	§	
Defendant.	§	

**ORDER GRANTING MOTION FOR EXTENSION OF TIME,
ORDER GRANTING *IN FORMA PAUPERIS*
STATUS ON APPEAL AND ORDER APPOINTING COUNSEL**

By Order entered September 24, 2008, United States District Judge Hayden Head provisionally granted Defendant Guadalupe Mendez, Jr. (“Mendez”) the appointment of counsel on appeal and provisionally granted him leave to proceed on appeal *in forma pauperis*. The order required, however, that Mendez provide a financial affidavit showing his eligibility for appointed counsel and eligibility to proceed *in forma pauperis*. (D.E. 57.) Per the undersigned’s related order, the application was to be filed not later than October 13, 2008. (D.E. 56.)

On October 20, 2008, Mendez, through the Federal Public Defender, submitted a motion for leave to proceed *in forma pauperis* and also a sealed financial affidavit. (D.E. 70, 71.) He also filed an unopposed motion for extension of time to file the *ifp* motion and affidavit (D.E. 69), since they were being filed one week past the deadline in the undersigned’s order.

The motion for extension of time to file (D.E. 69) is GRANTED. Additionally, having reviewed Mendez’s *in forma pauperis* application and financial affidavit, the undersigned concludes that Mendez is entitled to counsel on appeal and to proceed *in forma pauperis*. Mendez’s motions to proceed *in forma pauperis* and to appoint counsel (D.E. 50, 55, 70) are GRANTED. The Federal

Public Defender is hereby appointed to represent Mendez in his direct criminal appeal.

It is so ORDERED this 21st day of October, 2008.



B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE